

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

MILAN CARTER DEAN,

Plaintiff,

vs.

DAVID J. SHULKIN, SECRETARY OF
VETERANS AFFAIRS,
DARWIN GOODSPEED, SIOUX FALLS
VA HOSPITAL DIRECTOR, AND
DR. SRIR KASINATHAN,

Defendants.

4:17-CV-04137-KES

ORDER DENYING MOTION TO
APPOINT COUNSEL

Plaintiff, Milan Carter Dean, moves the court to reconsider its order denying his motion to appoint counsel. Docket 31. Dean has also submitted a letter requesting the court to respond. Docket 32. “A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). In determining whether to appoint counsel to a pro se litigant’s civil case, the district court considers the complexity of the case, the ability of the indigent litigant to investigate the facts, the existence of conflicting testimony, and the indigent’s ability to present his claim. *Id.* Dean’s claims are not complex, and he appears able to adequately present his claims at this time. Therefore, his motion (Docket 31) is denied.

The court is aware that this situation may change as litigation progresses. As the Eighth Circuit Court of Appeals instructs, the court will “continue to be alert to the possibility that, because of procedural complexities or other reasons, later developments in the case may show either that counsel should be appointed, or that strict procedural requirements should, in fairness, be relaxed to some degree.” *Williams v. Carter*, 10 F.3d 563, 567 (8th Cir. 1993).

DATED May 2, 2018.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE